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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 BRIANA WATERS,

13 Defendant.


Case No. CR05-5828FDB

ORDER DENYING DEFENDANT'S  
MOTION RE PLACEMENT  
PENDING APPEAL

14 Defendant-Appellant Briana Waters requests that this Court recommend that she be confined  
15 in a place near the place of appeal in order to assist her counsel in San Francisco with the appeal.  
16 This Court has already made a recommendation – as requested by Plaintiff at sentencing – that  
17 Waters be placed at FCI-Dublin, California or close to her home in California, if possible. There is  
18 nothing further for this Court to do. This Court is now divested of jurisdiction over this case by the  
19 appeal to the Ninth Circuit, which Court now has jurisdiction over this matter.

20 ACCORDINGLY, IT IS ORDERED: Defendant-Appellant Waters' Request for  
21 Recommendation to The Attorney General on Placement Pending Appeal [Dkt # 464] is DENIED.

22 DATED this 6<sup>th</sup> day of October 2008.

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25 FRANKLIN D. BURGESS  
26 UNITED STATES DISTRICT JUDGE